

ATTACHMENT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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:
UNITED STATES OF AMERICA, :
et al., :
:
Plaintiffs, :
:
v. : CA 03-2169
:
FIRST DATA, et al., :
:
Defendants. :
:
- - - - - x

Washington, D.C.
October 29, 2003
4:40 p.m.

Transcript of Motions Hearing
Before the Honorable Rosemary M. Collyer
United States District Judge

APPEARANCES:

For the Plaintiff
United States: CRAIG CONRATH, ESQ.
SCOTT SCHEELE, ESQ.
RENATA HESSE, ESQ.
JOSHUA SOVEN, ESQ.

For the Plaintiff
District of Columbia: DON A. RESNIKOFF, ESQ.
ANIKI COOPER, ESQ.
(by telephone)

For the Plaintiff
States: STEVEN M. RUTSTEIN, ESQ.
(by telephone)
LIVIA WEST, ESQ.
(by telephone)
RICHARD GRIMM, ESQ.
(by telephone)
BENJAMIN L. COX, ESQ.
(by telephone)
REBECCA FISHER, ESQ.
(by telephone)
EVAN RUDINICKI, ESQ.
(by telephone)

APPEARANCES: (cont.)

For Defendant First Data:

CHRISTOPHER HOCKETT, ESQ.
(by telephone)
GERALDINE ALEXIS, ESQ.
(by telephone)

For Defendant CONCORD:

STEPHEN R. PATTON, ESQ.

Court Reporter:

ELIZABETH L. WASSERMAN
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1 MR. PATTON: And I think the state of play
2 right now is, there are two issues. Without
3 addressing them on the merits, if I may frame the
4 issues, one is, the Government proposes that there
5 be simultaneous exchanges of initial expert reports
6 and rebuttal expert reports, and Defendants'
7 position is that the party with the burden of proof
8 on a particular issue should present the initial
9 report and then have rebuttal reports, so that
10 we're not ships passing in the night.

11 The second issue is one of timing. Our
12 position is that the initial report should be due
13 on November 14th, with the rebuttal reports due a
14 little bit more than two weeks thereafter on
15 December 3rd--almost three weeks. Their position
16 is that the initial report should be due on
17 December 1st and that the rebuttal reports be due
18 just a week later.

19 THE COURT: December 7th, are we talking?

20 MR. PATTON: Or December 8th, yes.

21 THE COURT: December 8th. That would make
22 the hearing on the 7th difficult, right? I was
23 thinking about the Dalbert hearing.

24 MR. PATTON: The Dalbert hearing, yes. We
25 wouldn't know exactly what--